IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

–

WRIT PETITION Nos.: 19393 of 2002,19416 of 2002, 19417 of 2002, 19418 of 2002 and 19419 of 2002.

W.P.NO.19393 OF 2002

Between:

S.B.Ranga Rao, son of S.Brahmaiah,

H.No.29-521, Keshavanagar, Naredmet,

R.R. District

....PETITIONER

AND

1.The Management of Deccan Chronicle

Pvt. Ltd.,, 36, Sarojinidevi Road, Secunderabad.

2.Deputy Commissioner of Labour (Twin Cities)

and Authority U/Sec.17 of the Working Journalists

Act, (Conditions of Service) and Miscellaneous

Provisions Act of 1935, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, director of a Writ more particularly one in the nature of Writ of Certiorari and after calling for the records in W.J.No.5 of 2001 dated 05-08-2002 from the 2nd respondent and quash the same, pending disposal of the Writ Petition.

W. P. NO : 19416 of 2002

Between:

M.R Anjaiah, son of Rajaiah,

H.No.10-3-2/5/B, East Nehru

Nagar, Near Muthyalamma temple

Secunderabad.

....PETITIONER

AND

1.The Management of Deccan Chronicle

Pvt. Ltd.,, 36, Sarojinidevi Road, Secunderabad.

2.Deputy Commissioner of Labour (Twin Cities)

and Authority U/Sec.17 of the Working Journalists

Act, (Conditions of Service) and Miscellaneous

Provisions Act of 1935, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, director of a Writ more particularly one in the nature of Writ of Certiorari and after calling for the records in W.J.No.1 of 2001 dated 05-08-2002 from the 2nd respondent and quash the same, pending disposal of the Writ Petition.

W. P. NO : 19417 of 2002

Between:

G.Bharath Bhushan, son of

G.Narayana Rao, H.No.4-6-106/1,

Rambagh,kAttapkur, Rajendernagar

Mandal, R.R. district.

..... PETITIONER

AND

1.The Management of Deccan Chronicle

Pvt. Ltd.,, 36, Sarojinidevi Road, Secunderabad.

2.Deputy Commissioner of Labour (Twin Cities)

and Authority U/Sec.17 of the Working Journalists

Act, (Conditions of Service) and Miscellaneous

Provisions Act of 1935, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, director of a Writ more particularly one in the nature of Writ of Certiorari and after calling for the records in W.J.No.2 of 2001 dated 05-08-2002 from the 2nd respondent and quash the same, pending disposal of the Writ Petition.

W. P. NO : 19418 of 2002

Between:

V.N.Shanmugham son of V.N.Naine,

H.No.1-11-91, Chinna Tokatha Bowenpally

Secunderabad.

....PETITIONER

AND

1.The Management of Deccan Chronicle

Pvt. Ltd.,, 36, Sarojinidevi Road, Secunderabad.

2.Deputy Commissioner of Labour (Twin Cities)

and Authority U/Sec.17 of the Working Journalists

Act, (Conditions of Service) and Miscellaneous

Provisions Act of 1935, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, director of a Writ more particularly one in the nature of Writ of Certiorari and after calling for the records in W.J.No.3 of 2001 dated 05-08-2002 from the 2nd respondent and quash the same, pending disposal of the Writ Petition.

W. P. NO : 19419 of 2002

Between:

J.Thomes, son of Joseph Daniea,

H.No.12-8-433, Modys compond Mettuguda

Secunderabad.

..... PETITIONER

AND

1.The Management of Deccan Chronicle

Pvt. Ltd.,, 36, Sarojinidevi Road, Secunderabad.

2.Deputy Commissioner of Labour (Twin Cities)

and Authority U/Sec.17 of the Working Journalists

Act, (Conditions of Service) and Miscellaneous

Provisions Act of 1935, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, director of a Writ more particularly one in the nature of Writ of Certiorari and after calling for the records in W.J.No.4 of 2001 dated 05-08-2002 from the 2nd respondent and quash the same, pending disposal of the Writ Petition.

Counsel for the Petitioner (in all the Writ Petitions): MR.S.RAVINDRANATH

Counsel for the Respondent No.1 (in all the Writ petitions): MR.A.CHANDRASEKHAR

Counsel for the Respondent No.2 (in all the Writ Petitions): G.P. FOR LABOUR.

The Court made the following:

COMMON ORDER

Heard Mr.S.Ravindranath, learned counsel for the petitioners and Sri A.Chandrasekhar, learned counsel for the 1st respondent in all the Writ petitions.

Since common question arises in these Writ Petitions, they are taken up together for disposal.

The only question which arises for consideration on the facts and circumstances of the case is as to whether the petitioners who are the workers entitled to invoke the provisions of Section 17 (1) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (for short 'the Act') seeking to recover the amount as claimed by them.

In all these matters, the petitioners have filed their respective applications before the 2nd respondent under Section 17 (1) of the Act stating that they are entitled to certain amounts towards earlier salary and also based upon Mr.Justice Manasana Wage Board. The said applications after contest by the respondent were rejected on the ground that the 2nd respondent has no jurisdiction and since there is serious dispute with regard to the amount or even entitlement as such. Hence the Writ Petitions.

Mr.S.Ravindarnath, learned counsel appearing on behalf of the petitioners submits that having regard to the nature of claim as made, there is ample power left with the 2nd respondent even to go into such dispute and give a decision thereon after regular enquiry. However, the same has not been done and simply the applications were rejected as if there is no such power conferred on it.

Mr.A.Chandrasekhar, learned counsel appearing on behalf of the respondents sought to repel the aforesaid contentions on the ground that there being a serious dispute, 2nd respondent would not be gone into such applications or hold any enquiry and it is not being an admitted case of liability and therefore, the applications have been rightly rejected.

Considering the submissions made and on perusal of record, as already stated above, the answer to the aforesaid question was that nothing lies in sub section 1 of Section 17 of the Act which contemplates for making proper applications in respect of any amount if found due. That itself would not take him that there is any power specifically conferred to hold an enquiry by providing an opportunity to both sides to establish their respective cases and ultimately arriving a decision or finding thereof. Apparently, the said provisions as made are only applicable and there is admitted liability where necessary certificate shall be issued in favour of such applicants. Further in the event of any dispute arises in regard to quantum of amount or entitlement, Sub Clause (2) of the very same provision contemplates that the matter has to be referred to the Labour Court constituted by it under the Industrial Disputes Act, 1947 and the said reference can only be on an application made by the employee concerned or even at the instance of the State Government. Admittedly, in this case no such attempt has been made so far.

Having regard to the aforesaid reasons, it has to be held that the finding of the 2nd respondent has no jurisdiction to go into the same and cannot be found fault with. In view of the same, I do not find any merits in the Writ Petitions.

Accordingly, the Writ Petitions are dismissed. However, it shall be open for the petitioners to file appropriate applications under Sub

Clause (2) before the State Government and seek a reference of such dispute to the Labour Court as constituted under the Industrial Disputes Act, 1947. If any reference is made, the same shall be disposed of on its own merits uninfluenced by any of the findings in these proceedings.

The learned counsel for the petitioners submits, that the petitioners are prepared to file applications within a period of two weeks from today. On receipt of such applications, the State Government to pass orders in regard to thereof within a period of four weeks thereafter.

22-03-2005.

Note: Issue CC in one week

B/o

Hsd

Asst. Registrar

To

1.The Management of Deccan Chronicle

Pvt. Ltd.,, 36, Sarojinidevi Road, Secunderabad.

2.Deputy Commissioner of Labour (Twin Cities)

and Authority U/Sec.17 of the Working Journalists

Act, (Conditions of Service) and Miscellaneous

Provisions Act of 1935, Hyderabad.

3 2 C. Cs to G.P. for Labour,. High Court buildings,Hyderabad (OUT)

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